

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 11, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

MAUI

Issuance of Revocable Permit to Envisions Entertainment & Productions, Inc. for Fireworks
Display at Flemmings Beach, Maui, Tax Map Key: (2) 4-2-4:seaward of 15.

APPLICANT:

Envisions Entertainment & Productions, Inc. whose business and mailing address is 381
Huku Li'l Place, Suite 3, Kihei, Hawaii 96753.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolua, Lahaina, Maui, identified as seaward of tax
map key:(2) 4-2-4: seaward of 15, as shown on the attached Exhibit A.

AREA:

1,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Fireworks display.

TERM:

From 8:00 am to 11:50 pm on February 19, 2010

RENTAL:

\$100.00 (Rental will be based on 10¢ per square feet per day.)

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for fireworks display in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

No comments were solicited from government or community agencies.

Envisions Entertainment & Productions, Inc. is requesting a right-of-entry permit for the Amway Fireworks Display. The event is scheduled for February 19, 2010. Set up will start at 8:00 am and breakdown by 11:50 pm. The fireworks display will be for approximately 5 minutes.

There are no other pertinent issues or concerns. Staff has no objection to this request.

RECOMMENDATION: That the Board

1. Authorize the issuance of a revocable permit to Envisions Entertainment & Productions, Inc. covering the subject area for fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

Plantation Grove
Audience

Prevaling Trades

Flemings Beach Park

Picnic
ables

Picnic Tables

Rest
rooms

Use
square

Shed

Stage
37x18

Beach House
(Security)
Lawn
(No spectators)

BEACH HOUSE RESTAURANT

RITZ-CARLTON
KAPALUA

Firing
Set

EXHIBIT "A"

Flemings
Beach

Fall Out
Zone

(Security)

280+

163

280+

280+

(Security)